

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

BMS SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**PLAINTIFFS' NOTICE OF FILING OF [PROPOSED] FINAL ORDER AND
JUDGMENT GRANTING FINAL APPROVAL TO PROPOSED CLASS ACTION
SETTLEMENT WITH THE BMS GROUP, APPROVING PROPOSED ALLOCATION
OF SETTLEMENT FUNDS, AND APPROVING CLASS COUNSELS' APPLICATION
FOR ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION EXPENSES AND
INCENTIVE AWARDS TO CLASS REPRESENTATIVES**

Plaintiffs, by their counsel, submit as Exhibit A [Proposed] Final Order and Judgment Granting Final Approval to Proposed Class Action Settlement with the BMS Group, Approving Proposed Allocation of Settlement Funds, and Approving Class Counsels' Application for Attorneys' Fees, Reimbursement of Litigation Expenses and Incentive Awards to Class Representatives (the "Proposed Order"). Plaintiffs and the BMS Group Defendants respectively request that the Court enter the Proposed Order.

Please note that the Class Representative awards set forth in paragraph 15 of the Proposed Order have been updated to reflect recent declarations filed by current or former Class Representatives David Aaronson (Dkt. No. 7524), Tracy Garcia (Dkt. No. 7494), Cheryl Barreca (Dkt. No. 7500), Anna Choice (Dkt. No. 7493) and Rebecca Anne Hopkins (Dkt. No. 7523).

Lastly, the Court requested that Class Counsel reference the prior Court filings describing the details of the settlement with David Aaronson. Those details are found at Docket No. 7530 at page 2 and footnote 1, and at Docket No. 7534 at paragraph 14 and the Exhibit thereto.

DATED: July 15, 2011

By /s/ Steve W. Berman
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CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **PLAINTIFFS' NOTICE OF FILING OF [PROPOSED] FINAL ORDER AND JUDGMENT GRANTING FINAL APPROVAL TO PROPOSED CLASS ACTION SETTLEMENT WITH THE BMS GROUP, APPROVING PROPOSED ALLOCATION OF SETTLEMENT FUNDS, AND APPROVING CLASS COUNSELS' APPLICATION FOR ATTORNEYS FEES, REIMBURSEMENT OF LITIGATION EXPENSES AND INCENTIVE AWARDS TO CLASS REPRESENTATIVES**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on July 15, 2011, a copy to LEXISNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman